

**Carlos Hernández**  
Mayor

**Luis Gonzalez**  
Council President

**Katharine E. Cue-Fuente**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Isis Garcia-Martínez**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Agenda

### May 9, 2017

### 7:00 P.M.

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Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Council President Luis Gonzalez

### Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

### **Presentations –**

- **Mayor Hernandez presents a Certificate of Appreciation to the following for their participation in the American Cancer Society. (MAYOR HERNANDEZ)**
  1. Jesus Hechavarria
  2. Jessenia Hechavarria
  3. Gabriela Gonzalez
  4. Yanelys Gonzalez

5. Julia Cabello
6. Amanda Lazo
7. Adrian Lazo
8. Dianelys Gonzalez
9. Daniela Suarez Perez

**1. Announcement of Amendments/Corrections to the Agenda.**

**2. Consent Agenda-**

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on April 25, 2017. (OFFICE OF THE CITY CLERK)
- B. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order number 2017-85, issued to Miami Dade Electrical Supply, Inc., to purchase electrical supplies and materials, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION & MAINTENANCE DEPT.)
- C. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order number 2017-88, issued to Royal Electrical Supply, Inc., to purchase electrical supplies and materials, by an additional amount of \$10,000, for a total new cumulative amount not to exceed \$25,000. (CONSTRUCTION & MAINTENANCE DEPT.)
- D. Request permission to issue a purchase order to Taser International, Inc., sole source vendor of the Taser less lethal weapon system, to purchase fifteen (15) X26P tasers and related accessories in an effort to reduce City liability in police involved shootings and physical confrontations, in a total cumulative amount not to exceed \$21,593.09. (POLICE DEPT.)
- E. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an interlocal agreement with the Hialeah Housing Authority ( HHA), a copy of which is attached as “Exhibit 1”, for three years, commencing on March 1, 2017 through February 28, 2021, with an option to renew for one year, to repair motor vehicles owned and operated by the Hialeah Housing Authority at an hourly rate of \$45.00 and to allow Hialeah Housing Authority employees to fuel HHA-owned motor vehicles at Fire Station No. 7 or the main station City pumps at the same rate chargeable to the City of Hialeah; and providing for an effective date. (ADMINISTRATION)
- F. Proposed resolution in strong support of U.S. House of Representatives Bill 2161 entitled the Venezelan Refugee Assistance Act providing for the adjustment in immigration status to permanent resident of qualifying Venezuelan nationals. (COUNCIL PRESIDENT GONZALEZ)

- G.** Proposed resolution amending Hialeah, Fla. Resolution No. 2016-72 (August 18, 2016), which accepted a grant award from the Children's Trust in the amount of \$1,055,718.00, for one-year commencing on August 1, 2016 through July 31, 2017, and authorized the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a grant agreement in a form acceptable to the City Attorney, to reflect a reduction of the funding amount from \$1,055,718.00 to \$905,998.00, and authorize the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute amendment no. 1 to the grant agreement, attached hereto in substantial form, and made a part hereof as Exhibit "1"; and providing for an effective date. (EDUCATION AND COMMUNITY SERVICES DEPT.)
- H.** Proposed resolution amending Hialeah, Fla. Resolution No. 2016-73 (August 18, 2016), which accepted a grant award from the Children's Trust in the amount of \$363,656.00, for one-year commencing on August 1, 2016 through July 31, 2017, and authorized the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a grant agreement in a form acceptable to the City Attorney, to reflect a reduction of the funding amount from \$363,656.00 to \$298,799.00, and authorize the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute Amendment No. 1 to the grant agreement, attached hereto in substantial form, and made a part hereof as Exhibit "1"; and providing for an effective date. (EDUCATION AND COMMUNITY SERVICES DEPT.)
- I.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order number 2017-300, issued to Sullivan and Sullivan, Inc. d/b/a Interstate Batteries of Southern Florida, to purchase vehicle batteries for City vehicles, by an additional amount of \$15,000, for a total new cumulative amount not to exceed \$30,000. (FLEET DEPT.)
- J.** Proposed resolution awarding Bid No. 2016-17-0240-00-005 for Basic Life Insurance and Accidental Death and Dismemberment Insurance coverage for City employees and retirees, to the lowest responsible, responsive bidder from a responsible company, Metropolitan Life Insurance Company, at a rate not to exceed \$0.220 per \$1,000 coverage for for active employees and \$.800 per \$1,000 coverage for retired employees for Basic Life Insurance, \$0.028 per \$1,000 coverage for Accidental Death and Dismemberment Insurance, and at the same rates for additional management and additional sworn police life insurance to be paid by the employee and retiree; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an agreement, in a form acceptable to the City Attorney. (RISK MANAGEMENT)
- K.** Proposed resolution waiving competitive bidding requirements and authorizing the Mayor and the City Clerk, on behalf of the City to enter into a three-year agreement, commencing December 1, 2017 and ending on November 30, 2020 with Sedgwick Claims Management Services, Inc., to provide claims management and administrative services for the City of Hialeah's self-insurance program in the areas of auto liability, general liability, auto physical damage, police and fire professional liability, and workers' compensation; and further authorizing the expenditure of the sum of \$462,256 for the first year, \$476,123 for the second year and \$490,406 for the third year, payable in monthly installments as compensation for services rendered under the agreement. (RISK MANAGEMENT)
- L.** Request permission to approve the appointment of Patrick Flynn, Interim Fire Chief, to the City of Hialeah Insurance Committee. (RISK MANAGEMENT)

- M.** Request permission to approve the appointment of Gelien Perez, Human Resources Director, to the City of Hialeah Insurance Committee. (RISK MANAGEMENT)

**3. Board Appointments –**

- a. Proposed resolution reappointing **Norberto Alvarez** to the Personnel Board of the City of Hialeah, as the IAFF/PBA appointment, for a two (2)-year term ending on June 25, 2019. (IAFF/PBA)

**4. Unfinished Business -**

**5. New Business -**

**6. Comments and Questions –**

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.**

**ZONING**

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to R-2 (One and Two Family Residential District); and granting a variance permit for two substandard lots; lot 1 with a frontage of 38.10 feet where 75 feet are required; a total lot area of 5,678 square feet, more or less, where 7,500 square feet are required; interior side setback of 5 feet where 7.5 feet are required; corner side setback of 10.3 feet where 15 feet are required; lot coverage of 32.5 % where the maximum of 30% is required; and on lot 2 with a frontage of 40 feet where 75 feet are required; a total lot area of 5,997 square feet, more or less, where 7,500 feet are required; east and west setbacks of 5 feet where 7.5 feet are required; lot coverage of 30.5% where the maximum of 30% is required; contra to Hialeah Code of Ordinances §§ 98-348(a), 98-544, 98-546 and 98-2056(b)(2); to construct a duplex on each lot. **Property located at 502 East 27<sup>th</sup> Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro Vilarello, P.A. on behalf of Ada Group 502 LLC*)

<i>Registered Lobbyists: Alejandro Vilarello, Esq. and Anthony Escarra, Esq., 16400 NW 59 Avenue, Miami Lakes, FL 33014</i>
<i>Item was approved by the City Council on first reading on April 25, 2017. Second reading and public hearing was scheduled for May 9, 2017.</i>
<i>Item was approved by the Planning and Zoning Board on April 12, 2017.</i>

<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: Ada Group 502, LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014.</i>

- PZ 2.** Second reading and public hearing of proposed ordinance rezoning property from R-3 (Multiple Family District) to R-3-3 (Multiple Family District) pursuant to § 98-595; and granting a variance permit to allow a front setback of 20 feet where 25 feet are required; contra to Hialeah Code of Ordinances § 98-589. **Property located at 2601 West 12<sup>th</sup> Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro Vilarello, P.A. on behalf of 2601 West 12 Avenue LLC*)

<i>Registered Lobbyists: Alejandro Vilarello, Esq. and Anthony Escarra, Esq., 16400 NW 59th Avenue, Miami Lakes, FL 33014.</i>
<i>Item was approved by the City Council on first reading on April 25, 2017. Second reading and public hearing was scheduled for May 9, 2017.</i>
<i>Item was approved by the Planning and Zoning Board on April 12, 2017.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: 2601 West 12 Avenue, LLC., 7480 SW 40<sup>th</sup> Street, Suite 700, Miami, FL 33155.</i>

- PZ 3.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) and RO (Residential Office District) to C-2 (Liberal Retail Commercial District) and granting a Special Use Permit (SUP) to extend the Neighborhood Business Overlay District Regulations (NBD) pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow a front setback of 15.75 feet where 22 feet are required on the tower of the middle building of a seven-story apartment building; contra to Hialeah Code of Ordinances § 98-1630.3(e)1. **Property located at 1440-1450-1460 West 68<sup>th</sup> Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Elizabeth Bello, Esq., on behalf of M&E Holdings LLC*)

<i>Registered Lobbyist: Elizabeth Bello, Esq., 200 Crandon Blvd., #313, Key Biscayne, FL 33149</i>
<i>Item was approved by the City Council on first reading on April 25, 2017. Second reading and public hearing was scheduled for May 9, 2017.</i>
<i>Item was approved by the Planning and Zoning Board on April 12, 2017.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: Enrique Bello, M &amp; E Holding LLC, 1490 West 68 Street, Suite 204, Hialeah, FL 33014.</i>

- PZ 4.** Second reading and public hearing of proposed ordinance granting a variance permit to allow a 10 foot concrete block-wall along the rear lot line where a maximum of 6 feet are required at an existing Gratigny FPL Substation; contra to Hialeah Code of Ordinances § 98-2121(b)(3). **Property located at 1545 West 68<sup>th</sup> Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Florida Power & Light – Gregg Hall*)

<i>Item was approved by the City Council on first reading on April 25, 2017. Second reading and public hearing was scheduled for May 9, 2017.</i>
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<i>Item was approved by the Planning and Zoning Board on April 12, 2017.</i>
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<i>Planner's Recommendation: Approval</i>
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<i>Owner of the Property: Florida Power &amp; Light, 700 Universe Blvd PSX/JB, Juno Beach, FL 33408.</i>
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- PZ 5.** Second reading and public hearing of proposed ordinance granting a variance permit to allow lot coverage of 40% where a maximum of 30% is required; contra to Hialeah Code of Ordinances § 98-2056(b)(2); property zoned R-2 (One and Two Family Residential District). **Property located at 2210 West 5<sup>th</sup> Way, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Francisco Vasallo & Maribel Vasallo*)

<i>Item was approved by the City Council on first reading on April 25, 2017. Second reading and public hearing was scheduled for May 9, 2017.</i>
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<i>Item was approved by the Planning and Zoning Board on April 12, 2017.</i>
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<i>Planner's Recommendation: Approval</i>
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<i>Owner of the Property: Francisco &amp; Maribel Vasallo, 8782 SW 8<sup>th</sup> Street, Unit 4, Miami, FL 33174.</i>
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- PZ 6.** First reading of proposed ordinance granting a variance permit to allow a frontage of 50 feet, where 75 feet are required; and to allow a total lot area of 6,750 square feet, where 7,500 feet are required; contra to Hialeah Code of Ordinances § 98-348(a); property zoned R-3-D (Multi Family District) to construct two duplex buildings (four units) on a substandard lot; **property located at 312 East 6<sup>th</sup> Street, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: 312 E 6<sup>th</sup> Street, LLC*)

<i>Item was approved by the Planning and Zoning Board on April 26, 2017.</i>
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<i>Planner's Recommendation: Approval</i>
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<i>Owner of the Property: 312 E. 6<sup>th</sup> Street, LLC, Carlos M. Perez, Manager, 9420 SW. 112 Street, Miami, FL 33176.</i>
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- PZ 7.** First reading of proposed ordinance granting a variance permit to allow one led reader board pylon sign on property located outside the LED geographic area; allow a maximum area of 200 square feet where 120 feet are allowed; allow a proposed height of 36 feet where a maximum of 20 feet are allowed; contra to Hialeah Code of Ordinances §§ 7-12(b), 7-12(g)(2)(b) and (c); property zoned C-3 (Liberal Retail Commercial). **Property located at 1990 West 84<sup>th</sup> Street, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Vizcaino Lucas Investments Inc.*)

<i>Item was approved by the Planning and Zoning Board on April 26, 2017.</i>
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<i>Planner's Recommendation: Approve variance to allow an LED reader board pylon sign on property located outside the LED geographic area; allow a maximum sign area of 200 square feet and allow a total maximum height of 36 feet.</i>
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<i>Owner of the Property: Idalmis Vizcaino, 10960 SW 36 Street, Miami, FL. 33165.</i>
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- PZ 8.** First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business Overlay District regulations pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow 359 parking spaces where 392 are required; waive building mass, frontage, and setback requirements; and allow a temporary waiver of plat; contra to Hialeah Code of ordinances §§ 10-4(c), 98-1630.3(c)(d) and (e); and 98-2189(16)(a); property zoned R-3-5 (Multi Family District); **property located at 7925-7927-7929-7931-7933 West 2 Court, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro J. Arias, Esq., on behalf of Amelia Hialeah Holdings, LLC*)

<i>Declaration of Restrictions proffered by the applicant has been made a part of the record.</i>
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<i>Item was approved by the Planning and Zoning Board on April 26, 2017.</i>
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<i>Planner's Recommendation: Approval</i>
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<i>Owner of the Property: Amelia Hialeah Holdings, LLC., 16400 NW 59 Avenue, Miami, FL. 33014.</i>
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- PZ 9.** First reading of proposed ordinance repealing and rescinding Hialeah, Fla. Ordinance No. 2009-91 (adopted November 10, 2009), releasing the Declaration of Restrictions recorded in the public records of Miami-Dade County, Florida at Book 27099, Pages 2787-2795; granting a Conditional Use Permit (CUP) to allow 10 short-term occupancy living units used by the clergy affiliated with the church pursuant to Hialeah Code of Ordinances § 98-181; and granting a variance permit to allow a pervious area of 17% where 20% is required; allow 27 parking spaces where 291 spaces are required contra to Hialeah Code of Ordinances §§ 98-882(2)(a), 98-2189(4)(i); property zoned CR (Commercial Residential District). **Property**

**located at 500 Palm Avenue, a/k/a 47 West 5<sup>th</sup> Street, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: The Universal Church Corp.*)

<i>Item was approved by the Planning and Zoning Board on April 26, 2017.</i>
<i>Planner's Recommendation: Approval as recommended.</i>
<i>Owner of the Property: The Universal Church, Corp., 27 Walnut Street, Newark, NJ 07105.</i>

**PZ 10.** First reading of proposed ordinance approving a final plat of Countyline Corporate Park; accepting all dedication of avenues or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **property bounded by and directly adjacent thereto, on the north by theoretical N.W. 162 Street, on the south by N.W. 154 Street, on the east by N.W. 97 Avenue, and on the west by N.W. 102 Avenue, Hialeah, Florida.** (*Applicant: Countyline I LLC*)

<i>Item was approved by the Planning and Zoning Board on April 26, 2017.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: Countyline I, LLC., 2855 South Lejeune Road, 4<sup>th</sup> Floor, Coral Gables, FL 33134.</i>

**NEXT CITY COUNCIL MEETING: Tuesday, May 23, 2017 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 23, 2017 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305)



883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).